



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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## MINUTES May 26, 1998

**Report from Citizen Planner Training Collaborative workshop - May 18**  
**Summer meeting schedule**  
**Discussion of strategy with regard to pending litigation, Valchuis et al. v Planning Board (Executive Session)**  
**Request from Town Counsel for review of proposed Agreement for Judgement re: Hunters Run Definitive Subdivision Plan (disapproved 7/15/97 and appealed 8/4/97) (Executive Session)**  
**Request for database development for conservation restrictions, trail easements, and other restrictions approved by the Planning Board (request of Conservation Commission)**  
**Memo to Board of Selectmen re: disposition of easements on Ice Pond Road subdivision and Aberdeen Drive common driveway**  
**Organization of 1998-99 Board**

Acting Chair Hengeveld called the meeting to order at 7:30 p.m. Members Abend, Epstein, Holzman, LaLiberte, Reid and Tice were present. Also present was Planning Administrator George Mansfield. David Ives of the *Mosquito* was also present.

The **minutes** of the meeting of May 12, 1998 were reviewed with one addition being made by Abend and two other corrections being made for clarification. Tice **moved to accept the minutes as amended**. Tice seconded and the minutes were accepted 7-0.

### **Report from Citizen Planner Training Collaborative workshop - May 18**

Holzman, Reid and the Planning Secretary reported on the workshop. Mansfield asked if the Board would be interested in purchasing the cassette tapes entitled "Roles & Responsibilities of Planning and Appeals Boards" and "Special Permits." The Board agreed that it would be helpful to circulate these tapes among Board members along with a copy of the ANR Handbook.

### **Summer meeting schedule**

The Board scheduled its summer 1998 meetings for July 6, August 3 and August 17 at 7:30 p.m. Meetings on the second and fourth Mondays will resume in September.

### **Discussion of strategy with regard to pending litigation, Valchuis et al. v Planning Board (Executive Session)**

Town Counsel Rich Hucksam was present for this discussion.

Epstein moved to go into executive session to discuss strategy with regard to pending litigation regarding Valchuis et al. v Planning Board and also to review a proposed Agreement for Judgement regarding the Hunters Run Definitive Subdivision Plan. He noted that the Board will return to regular session following these discussions. Tice seconded the motion. Hengeveld polled the Board and each member approved.

### **Request from Town Counsel for review of proposed Agreement for Judgement re: Hunters Run Definitive Subdivision Plan (disapproved 7/15/97 and appealed 8/4/97) (Executive Session)**

The Board, still in executive session, discussed this item. Town Counsel was not present.

Abend moved and Tice seconded a motion to close the executive session and return to regular session. The Board was polled and all approved the motion.

### **Discussion of pending litigation, Valchuis et al. v Planning Board**

Howard Speicher, attorney for the Valchuis brothers, requested the opportunity to speak to the Board regarding the litigation. Michael Valchuis of Watertown, Dick and Judy Wells and Keith Therrien of Berry Corner Lane and Dave Kelch of Oak Knoll Road were also present.

Although Speicher was not on the Board's agenda for this evening, Hengeveld allowed him a few minutes to speak. Speicher insisted that the roadway complies with Common Driveway standards with exception of the turnaround. He felt his client has proposed an acceptable solution and the roadway should be adequate to support an additional house. He felt his client is being unfairly burdened with roadway improvements and questioned why the Board does not find the proposed turnaround adequate.

Abend explained that following the site walk, the Board determined that the roadway fails to meet common driveway standards in several respects including drainage, grading and turnouts. LaLiberte added that the Board had previously indicated during preliminary discussions with the Valchuisers that it was looking for a plan akin to a common driveway plan and has determined that the current plan before the Board does not comply.

Speicher asked for written comments from the Board's engineer. Mansfield explained that the engineer stated improvements would be necessary in several areas including drainage and grading, but these comments have not been put in writing in order to minimize expenses for the Valchuisers. Speicher requested the engineer's comments in writing at the applicants' expense. Epstein noted that the Board expects this roadway to be designed to Common Driveway standards and cannot make decisions based on a non-engineered plan.

**Request for database development for conservation restrictions, trail easements, and other restrictions approved by the Planning Board (request of Conservation Commission)**

Mansfield explained that in the wake of controversy over the trail easement at Aberdeen Drive he, along with Cons. Comm. and the Trails Comm., have been trying to research this issue. Cons. Comm. has asked for a list of all Planning Board approved conservation restrictions and trail easements. Mansfield felt that there are numerous trail easements, but finding them in the files would be very time consuming.

The Board asked if other boards or volunteers would be willing to share the work. Abend suggested a citizens' petition to the Board of Selectmen so that this might be paid out of their budget. Tice recommended waiting for a new computer with software to handle this type of database. LaLiberte asked that an estimate of time and cost be made and then consider splitting this cost between the various boards involved. The Board asked the PA to determine what specific information is being sought and how it should be presented before proceeding. Mansfield agreed to speak with the Cons. Comm. administrator. He noted that Cons. Comm. already stated they cannot afford to spend more time researching the Ice Pond issue. The Board agreed to keep this item on the agenda.

**Memo to Board of Selectmen re: disposition of easements on Ice Pond Road subdivision and Aberdeen Drive common driveway**

The Board reviewed a memo submitted to the Board of Selectmen by former PB Chair Susan Yanofsky which explained that the acceptance of Ice Pond Road is not related to the issue of Aberdeen Drive and the trail easement in question.

Jeff Bloomfield and Kurt Hoff of Aberdeen Drive were present and asked to speak about this issue. In purchasing the property, Bloomfield understood that he would be on a private drive off of a Town-owned road. He felt the issues of roadway acceptance and the trail easement were separate. The Board explained that they agreed, but some citizens have tried to link the issues as a means of leverage. Board members advised the residents to approach the Selectmen. Mansfield explained that research is being conducted to determine if the PB was misled when the plans were signed.

Kate Reid agreed to represent the PB at the meeting on June 4 between the landowners and the Trails Comm. Mansfield recommended inviting former PB members who were on the Board at that time.

### **Organization of 1998-99 Board**

The Board nominated the following officers: Chair - Tara Hengeveld, Vice-Chair - John LaLiberte, Treasurer - Bill Tice, Clerk - Kate Reid.

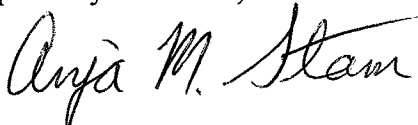
Liaisons were nominated as follows: Long-term Capital Requirements - Bill Tice, Conservation Commission - Dan Holzman, Board of Health - Kate Reid and Dan Holzman, Historic Commission - Michael Abend, MAPC (MAGIC) - Kate Reid, Selectmen - Tara Hengeveld and Michael Epstein, Recreation Commission - Michael Abend and John LaLiberte, Trails Committee - ad. hoc., Town Counsel - Michael Epstein.

Epstein, LaLiberte and Abend agreed to co-chair the Zoning Bylaw Review Subcommittee.

Tice **moved to nominate the slate as stated above.** Abend seconded and the Board approved the slate 7-0.

At 10:50, Tice **moved to adjourn.** Abend seconded and the Board unanimously adjourned the meeting.

Respectfully submitted,



Anja M. Stam  
Recording Secretary